

REPORT

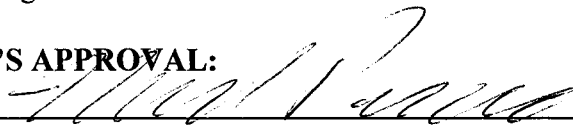
DATE: December 6, 2007

TO: Regional Council

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SUBJECT: Solid Waste Legislation – SB 1020 & SB 1016

EXECUTIVE DIRECTOR'S APPROVAL:



RECOMMENDED ACTION:

The Energy and Environment Committee and the Solid Waste Task Force recommend an 'Oppose' position on SB 1020 and an 'Oppose Unless Amended' position on SB 1016.

BACKGROUND:

SB 1020

SB 1020 would require the California Integrated Waste Management Board (CIWMB) to develop a plan to achieve a 75% statewide solid waste diversion rate from landfills and other disposal facilities. Specifically, the bill requires the CIWMB to develop, by July 1, 2009, a strategic and comprehensive plan to achieve the 75% statewide diversion rate by January 1, 2020. SB 1020 also requires CIWMB to adopt policies, programs, and incentives to ensure solid waste generated in California is source reduced, recycled or composted at a 60% rate by December 21, 2012, and at a 75% rate by January 1, 2020.

The bill does not contain any provisions that make Conversion Technologies (CTs) eligible for diversion credit nor does it provide funding to offset increased costs to local jurisdictions for implementing any provisions adopted by the CIWMB to achieve these increased diversion rates. SCAG has existing policy supporting conversion technologies (CTs) and opposing diversion increases without flexibility. CTs, unlike incineration which simply burns solid waste to ash, are capable of turning residual (post-recycled) solid waste into high value fuel products that can offset fossil fuel use. For these reasons, the Solid Waste Task Force and the Energy and Environment Committee have recommended that the Regional Council adopt an 'Oppose' position on SB 1020.

SB 1020 is supported by Californians Against Waste and Waste Management, Inc. It is opposed by the Stanislaus County Board of Supervisors.

SB 1016

SB 1016 would authorize the CIWMB to allow a city or county to submit their waste diversion annual report on a biennial, rather than annual basis, if the CIWMB determines that the city or county has diverted

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more than 50% of solid waste from landfill disposal (excluding transformation facilities), through source reduction, recycling, and composting activities.

SB 1016 seeks to reduce the burden of mathematical compliance with diversion mandates by local jurisdictions by focusing more on easily measurable data – i.e., disposal rather than generation, program implementation and streamlining the reporting process. There have been numerous stakeholder meetings throughout the legislative recess period to clarify issues associated with changing the way solid waste disposal is calculated and to prepare proposed amendments that Senator Wiggins has indicated she will make to the bill next year. These proposals are changing, though they generally deal with: 1) how the waste disposal is measured and calculated each year, 2) how a base year calculation is established, and 3) to establish more aggressive waste diversion goals.

While the policy goals of SB 1016 are laudable, the Solid Waste Task Force and the Energy and Environment Committees of SCAG have significant concerns with the bill and the draft amendments. These concerns include:

1. The bill's establishment of the 2006 disposal rate as the base year while prohibiting any future increases in the disposal rate even if it has been caused by growth in population and/or economic factors;
2. The failure of the bill to address the need to conduct a cost/benefit and feasibility analysis of an increased diversion rate in concert with local governments and other stakeholders and make a determination that any proposed increase in the diversion rate is justified;
3. The failure of the bill to consider or make diversion credit allowances for new alternatives to solid waste management other than source reduction, recycling, and composting established by AB 939, diversion legislation passed over 18 years ago;
4. The failure of the bill to place any responsibility on manufacturers for their products and the management of sustainable recovery programs, while increasing the burden on local government to achieve higher diversion rates;
5. The failure of the bill to provide local jurisdictions with the financial and technical resources to achieve a higher diversion rate.

The Solid Waste Task Force and Energy and Environment Committee recommend that the Regional Council adopt an 'Oppose Unless Amended' position on SB 1016, unless provisions addressing the above concerns are added to the bill.


SB 1016 is sponsored by the California Integrated Waste Management Board, and is supported by Waste Management, Inc. The Lassen Regional Waste Management Authority is on-record in opposition to the bill.

FISCAL IMPACT:

All work related to this information item is contained within the adopted FY 07/08 budget, WBS 08-810.SCGS1.

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Reviewed by:


Division Manager

Reviewed by:


Department Director

Reviewed by:


Chief Financial Officer